

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINCETON DIGITAL IMAGE CORPORATION,)

PLAINTIFF,)

V.)

HEWLETT-PACKARD COMPANY,)
FUJIFILM NORTH AMERICA)
CORPORATION F/K/A FUJIFILM U.S.A.,)
INC. AND XEROX INTERNATIONAL)
PARTNERS,)

DEFENDANTS.)

USDS SDNY
DOCUMENT
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DATE FILED: 4-19-12

)CASE NO.: 1:12-CV-00779-RJS

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE IN THE FORM OF
ISSUING A SUBPOENA PURSUANT TO LETTER ROGATORY**

GREETINGS:

To: The Appropriate Judicial Authority of Taiwan

From: United States District Court for the Southern District of New York

The United States District Court for the Southern District of New York, presents its compliments to the Appropriate Judicial Authority of Taiwan, and requests international assistance to issue a subpoena to Altek Corporation as described below to produce documents and appear for deposition for use as evidence in this case.

1. REQUEST

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Appropriate Judicial Authority of Taiwan, by the proper and usual process of your Court, cause the below named business entity located within your jurisdiction to produce documents identified in the attached Subpoena and to appear for a deposition in response to the Subpoena, attached hereto as **Exhibit A**:

Altek Corporation
No. 12 Li Hsing Road
Science Based Industrial Park
30078 Hsinchu City, Hsinchu County
Taiwan

2. NATURE OF PROCEEDINGS AND SUMMARY OF FACTS

PDIC commenced an action against Hewlett-Packard Company ("HP"), among other defendants, alleging patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, et seq. A true and correct copy of First Amended Complaint is attached hereto as **Exhibit B**. PDIC alleges that HP has infringed U.S. Patent No. 4,813,056 ("the '056 patent"), which teaches a method of encoding image data into a JPEG file, and U.S. Patent No. 4,860,103 ("the '103 patent"), which teaches a method and apparatus for automatic gain control and/or exposure control for digital image processing.

PDIC alleges that HP has infringed one or more claims of the '103 patent by having performed, without authority to do so, one or more of the following acts: (a) making, using, offering for sale, or selling within the United States products including, but not limited to, digital still cameras, that infringed one or more claims of the '103 patent, in violation of 35 U.S.C. § 271(a); (b) importing into the United States products including, but not limited to, digital still cameras, that infringed one or more claims of the '103 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '103 patent, in violation of 35 U.S.C. § 271(b); and/or (d) contributing to the infringement of one or more claims of the '103 patent, in violation of 35 U.S.C. § 271(c).

PDIC further alleges HP has infringed one or more claims of the '056 patent by its having performed, without authority, one or more of the following acts: (a) making, using, offering for sale, or selling within the United States products including, but not limited to, digital cameras and certain computer, smartphone, copier, scanner and multifunction products and photo editing

and printing services, that infringed one or more claims of the '056 patent, in violation of 35 U.S.C. § 271(a); (b) importing into the United States products including, but not limited to, digital cameras and certain computer, smartphone, copier, scanner and multifunction products and photo editing and printing services that infringed one or more claims of the '056 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '056 patent, in violation of 35 U.S.C. § 271(b); and/or (d) contributing to the infringement of one or more claims of the '056 patent, in violation of 35 U.S.C. § 271(c).

The Defendant, HP, denies that it has infringed the '103 Patent or the '056 Patent.

In the litigation, HP has identified Altek is designer and manufacturer of certain accused Original Equipment Manufacturers (OEM) cameras in the patent infringement litigation and has in its possession information relating to the manner in which the accused OEM cameras encode image data into JPEG files and perform automatic exposure and/or gain control.

This Court has not reached any conclusions regarding the facts of the case and does not endorse the accuracy of the plaintiffs' allegations.

3. EVIDENCE TO BE OBTAINED

The documentary evidence and deposition of a representative of Altek is relevant to the issues in this civil proceeding, and is necessary in the interest of justice to enable the United States District Court for the Southern District of New York to determine the issues pending before it.

As set forth in the attached subpoena, the specific evidence includes a copy of all documents in Altek's possession which illustrate or describe the manner in which Camera Products (1) encode image data into JPEG image files, including any and all documents that illustrate, describe or identify codewords that are used to encode image data into JPEG image files, algorithms that are used to encode image data into JPEG image files, and the source code

that implements such algorithms, including the source code embodied in firmware contained within or associated with the Camera Products, and (2) implement automatic exposure control and/or automatic gain control for digital image processing, including the algorithms used (including without limitation the algorithms for generating a control signal(s) used for automatic gain control and/or automatic exposure control), and the source code that implements such algorithms. See Exhibit A. As set forth in the attached subpoena, a videotaped deposition of an Altek representative is also requested, with a full transcription of the deposition. **See Exhibit A.**

The production of Altek's documents as described in the attached Subpoena, as well as a deposition of an Altek representative with full transcription, is necessary in the interests of justice for the Court to determine the weighty issues before it.

This Court therefore respectfully requests that:

1. You cause, by your proper and usual process, the Subpoena attached here to as Exhibit A be served upon Altek;
2. Altek be compelled to produce the documents set forth in the Subpoena attached as Exhibit A.
3. A representative of Altek be compelled to give testimony under oath by questions and answers upon videotaped and oral deposition with full transcription, such deposition to be conducted in accordance with the Federal Rules of Civil Procedure and Evidence, or as may be permitted by You, on the topics identified in the attached Exhibit A.

4. RECIPROCITY

The United States District Court for the Southern District of New York is willing to provide similar reciprocal assistance to the judicial authorities of Taiwan.

5. COSTS AND REIMBURSEMENT OF COSTS

The Letter Rogatory is accompanied by a certified check payable to American Institute in Taiwan in accordance with the current schedule of fees at 22 CFR 22.1.

The plaintiff's counsel and/or the plaintiff are willing to reimburse the judicial authorities of Taiwan for any costs incurred in executing the United States District Court for the Southern District of New York's Letter Rogatory.

6. CONCLUSION

This Court, in the spirit of international comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory.

Date: _____

4/18/12



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE
Southern District of New York

THE SEAL OF THE COURT: